REMARKS

INTRODUCTION:

The Applicant respectfully requests reconsideration and allowance of the present application in view of the following remarks.

Claims 1-15 are pending in the present application. Claims 1 and 12-15 are the independent claims.

Claims 1-3, 8, 11, and 13-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Watanabe (U.S. Patent No. 5,499,252).

Claims 4-7, 9, 10, and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Watanabe (U.S. Patent No. 5,499,252).

No new matter is being presented, approval and entry of the foregoing amendment is respectfully requested.

REJECTION UNDER 35 U.S.C. § 102(b):

On page 2, item 5, of the Office Action, the Examiner rejects claims 1-3, 8, 11, and 13-15 under 35 U.S.C. § 102(b) as being anticipated by Watanabe (U.S. Patent No. 5,499,252). The Applicant respectfully traverses the rejection and requests reconsideration and allowance of the claims.

In item 5 of the Office Action, the Examiner states that Watanabe discloses a method comprising, "setting the sub-code data whenever the data of [a] predetermined unit is output from a buffer." The Examiner cites the Buffer RAM 18 of Figure 1 and the abstract of Watanabe as showing the reading and storing of sub-code and TOC information in support of the rejection.

The Applicant respectfully submits that Watanabe does not disclose nor suggest "setting the sub-code data whenever the data of a predetermined unit is output from a buffer" as is recited in claim 1 of the present invention. Specifically, the Applicant notes that in Watanabe no suggestion is made to have a setting of sub-code data dependent on the output of the buffer. That the buffer of Watanabe is used to store both sub-code data and TOC information is not material to the claim as recited.

The Applicant further submits that as stated in column 5, lines 2-5, of <u>Watanabe</u>, "the subcode reading circuit 16 fetches the subcode data every time the subcode data for 98 frames are output from the digital processing circuit 11." As the subcode data is "fetched" according to the number of frames output from the digital processing circuit, the Applicant respectfully submits that claim 1 of the present invention is patentably distinct from <u>Watanabe</u> due at least to claim 1 reciting setting sub-code data whenever the data of a predetermined unit is output from a buffer. Accordingly, the Applicant respectfully requests reconsideration and allowance of claim 1.

Claims 13 and 14 recite setting sub-code data in response to data being read from a buffer. As detailed above, <u>Watanabe</u> does not disclose or suggest such an element. Therefore, for at least the reasons stated above with respect to claim 1, claims 13 and 14 are patentably distinct over <u>Watanabe</u> and are therefore in condition for allowance.

Claim 15 recites setting sub-code data based on the output of a buffer. As detailed above, <u>Watanabe</u> does not disclose or suggest such an element. Therefore, for at least the reasons stated above with respect to claim 1, claim 15 is patentably distinct over <u>Watanabe</u> and is therefore in condition for allowance.

Claims 2, 3, 8, and 11 depend from independent claim 1. Accordingly, the Applicant submits that these claims are patentably distinct over <u>Watanabe</u> for at least the same reasons as their base claim, as well as for any additional features they recite.

REJECTION UNDER 35 U.S.C. § 103(a):

On page 4, item 7, of the Office Action, the Examiner rejects claims 4-7, 9, 10, and 12 under 35 U.S.C. § 103(a) as being unpatentable over <u>Watanabe</u> (U.S. Patent No. 5,499,252). The Applicant respectfully traverses the rejection and requests reconsideration and allowance of the claims.

The Applicant respectfully submits that claim 12, similarly to claim 1, recites setting a current item of sub-code data in response to data being read from the buffer. <u>Watanabe</u> does not disclose or suggest such a setting of sub-code data in response to anything being read from a buffer. In <u>Watanabe</u> subcode data is stored in the buffer according to the number of data frames being output from the digital processing circuit. Therefore, the Applicant submits that claim 12 is patnetably distinct over <u>Watanabe</u> and requests reconsideration and allowance of the claim.

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Claims 4-7, 9, and 10 depend from independent claim 1. Accordingly, the Applicant submits that these claims are patentably distinct over <u>Watanabe</u> for at least the same reasons as their base claim, as well as for any additional features they recite.

CONCLUSION:

The Applicants respectfully submit that independent claims 1 and 12-15 of the present invention patentably define the present invention over the citations of record. The dependent claims 2-11 depend from claim 1, and should be allowable for at least the same reasons as their base claim, and further due to the additional features they recite.

Claims 1-15 are currently pending.

The Applicants believe that the present Amendment is responsive to each of the points raised by the Examiner in the Official Action.

There being no further outstanding objections or rejections, it is submitted that the present application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: 5/14/04   By: _____

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